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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

CASE NO. 1:21-CR-00158-JLT-SKO

12 Plaintiff,

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

13 v.

14 RICHARD CHARLES THOMAS, JR.,

CURRENT DATE: December 5, 2023

15 Defendant.

TIME: 8:30 a.m.

COURT: Hon. Jennifer L. Thurston

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17 STIPULATION

18 Plaintiff United States of America, by and through its counsel of record, and RICHARD
19 CHARLES THOMAS, JR., by and through defendant's counsel of record, Daniel Harralson, hereby
20 stipulate as follows:

21 1. By previous order, this matter was set for jury trial on December 5, 2023.

22 2. By this stipulation, defendant now moves to continue the jury trial until March 26, 2024,

23 and to exclude time between December 5, 2023, and March 26, 2024, pursuant to 18 U.S.C. §

24 3161(h)(7)(A), B(iv).

25 3. While the parties anticipate that the case may resolve without a trial, this is not yet a
certainty. If defendant ultimately does not enter a guilty plea and decides to proceed to trial, the parties
26 agree and stipulate, and request that the Court find the following:
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28 a) The government asserts the discovery associated with this case includes reports,

1 photographs, and recordings; discovery has been provided to defense counsel. The government
2 is aware of its ongoing discovery obligations.

3 b) The Court is unavailable on the current jury trial date of December 5, 2023, and
4 the parties have agreed to continue the jury trial to March 26, 2024.

5 c) Additionally, counsel for defendant has another jury trial in November that has
6 been consuming his time, and he needs additional time to consult with his client to answer some
7 questions his client has communicated, to review the current charges, to conduct investigation
8 and research related to the charges, to review and/or copy discovery for this matter, to discuss
9 potential resolutions with her client, to prepare pretrial motions, and to otherwise prepare for
10 trial.

11 d) Counsel for defendant believes that failure to grant the above-requested
12 continuance would deny them the reasonable time necessary for effective preparation, taking into
13 account the exercise of due diligence.

14 e) The government does not object to the continuance.

15 f) Based on the above-stated findings, the ends of justice served by continuing the
16 case as requested outweigh the interest of the public and the defendant in a trial within the
17 original date prescribed by the Speedy Trial Act.

18 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
19 et seq., within which trial must commence, the time period of December 5, 2023 to March 26,
20 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it
21 results from a continuance granted by the Court at defendant's request on the basis of the Court's
22 finding that the ends of justice served by taking such action outweigh the best interest of the
23 public and the defendant in a speedy trial.

24 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
25 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
26 must commence.

27 IT IS SO STIPULATED.

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1 Dated: November 16, 2023

PHILLIP A. TALBERT
United States Attorney

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3 /s/ KIMBERLY A. SANCHEZ
4 KIMBERLY A. SANCHEZ
Assistant United States Attorney

5 Dated: November 16, 2023

6 /s/ DANIEL HARRALSON
7 DANIEL HARRALSON
Counsel for Defendant
RICHARD CHARLES
THOMAS, JR.

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9 **FINDINGS AND ORDER**

10 IT IS SO FOUND that the ends of justice are served by requested continuance.

11 IT IS FURTHER FOUND that the ends of justice served by taking such action outweigh the best
12 interest of the public and the defendant in a speedy trial and that time is deemed excluded pursuant to 18
13 U.S.C. § 3161(h)(7)(A), B(iv).

14 IT IS SO ORDERED.

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16 Dated: November 16, 2023


17 UNITED STATES DISTRICT JUDGE
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